

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, May 21, 2004, 1:30 p.m., Hearing Chambers, County-City Building, 555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: Gene Carroll, George Hancock, Gerry Krieser, Tom Wanser, and Linda Wibbels.
Others: Terry Kathe (Building & Safety), Tonya Skinner (City Law Dept.), Becky Horner and Michele Abendroth (Planning Dept.), applicants and other interested parties.

STATED PURPOSE

OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Mr. Carroll called the meeting to order at 1:30 p.m.

Approval of the minutes of the April 30, 2004 meeting

Mr. Krieser made a motion to approve the April 30, 2004 minutes, seconded by Mr. Hancock. Motion carried 5-0. Carroll, Hancock, Krieser, Wanser and Wibbels voting 'yes'.

Appeal No. 2368 by Doug Haave for a variance to reduce the front yard setback on property generally located at 701 Mulder Drive.

PUBLIC HEARING

May 21, 2004

Doug Haave, residing at 3150 Nebraska Avenue, Fremont, Nebraska, stated that he wants to enlarge the garage, but the building permit was denied because of the setback requirement. He would like to ask for a variance to reduce the front yard setback by 4.5 feet, so that he may add an additional 6 feet to his garage. Currently, only 31% of the properties have less than the 30 feet required setback. If this application were approved, he would meet the 40% rule of properties not meeting the setback requirement. He added that he does not feel this addition would have any detrimental affects on the neighborhood.

Mr. Krieser asked Mr. Haave if he had considered putting the garage on the south side. Mr. Haave replied that there isn't room for a double garage on the southwest side.

Mr. Wanser asked for an explanation on the 40% rule. Mr. Kathe stated that if you have 40% of the lots developed with less than the setback, then you can modify the setback between buildings. In existing areas, it lets you adapt to what others in the neighborhood have done. Mr. Carroll clarified that this property does not meet that qualification.

Mr. Krieser asked about the setback requirement on the south side. Mr. Kathe responded that in R1, you can modify the side yard setback to 10% of the lot width if the lot was created prior to 1953.

Mr. Carroll asked if there was further testimony in favor of or against the appeal. With no one appearing further, Mr. Carroll closed the hearing.

ACTION

May 21, 2004

Mr. Krieser stated that he is voting to deny the application because a garage could be built to the south. Mr. Wanser stated that he is also voting to deny because the setback would be out of line and doesn't belong in the neighborhood. Mr. Hancock stated that he agrees, and added that there are no peculiar or exceptional circumstances with this property. Mr. Carroll stated that there are other options to build a garage, and it does not fit in with the neighborhood.

Mr. Krieser made a motion to deny the application, seconded by Mr. Wanser. Motion carried 5-0. Carroll, Hancock, Krieser, Wanser and Wibbels voting 'yes'.

Appeal No. 2367 by Jerri Schultz for a variance to reduce the rear yard setback on property generally located at 3020 S. 57th Street.

ACTION

May 21, 2004

Mr. Wanser stated that he is voting to approve this application because the neighborhood is full of setback issues, and it causes no ill affects to anything or anybody. He added that it would certainly be in conformance with the neighborhood. Ms. Wibbels stated that she agrees. Mr. Carroll stated that he is voting to not approve this application because there are no peculiar, unusual or exceptional circumstances. He does not believe that an appeal should be approved just because it fits with the neighborhood.

Mr. Wanser made a motion to approve the application, seconded by Ms. Wibbels. Motion carried 3-2. Hancock, Wanser and Wibbels voting 'yes'; Carroll and Krieser voting 'no'.

There being no further business, Mr. Carroll adjourned the meeting at 1:49 p.m.

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